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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/091,792 | 03/06/2002 | Louis P. Huber | P04870US1 | 9696 |

22885 7590 12/22/2003

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

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| EXAMINER |
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PHAN, THIEM D

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| ART UNIT | PAPER NUMBER |
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3729

DATE MAILED: 12/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/091,792

Applicant(s)

HUBER ET AL.

Examiner

Tim Phan

Art Unit

3729

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 33-37.

Claim(s) withdrawn from consideration: 1-32.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10:

Applicants' remarks filed on December 8th 2003 re traversing Claim 33 are hold not to be persuasive.

The Patent Office's position, as stated in the preceding Action, was and continues to be that since least Wellard (US 4,267,634) hereinafter '634 teaches a method of making chip component, which reads on all Applicants' Claim 33.

With respect to Applicants' remarks about end caps: "... contains six end caps (14), three on each end." (Cf. Remarks, page 3, line 15), "Claim 33 requires four end caps in total." (Cf Remarks, page 4, lines 3 and 4), these numbers of end caps are not claimed.


With respect to Applicants' remarks about elements 27 and 29 of Figure 7 of the '634, the '634 teaches that these elements are deposited on and secured to the ends of the chip (Cf. column 3, lines 48-50; column 4, lines 11-13) as termination means as well as end caps for mechanical strength and electrical connection.

It appears that Applicants fail to recognize the scope of the claims when judged in view of the '634. (Cf. In re Geuns, 26 USPQ 2nd 1057 (Fed. Cir. 1993)).

Subsequent dependent claims continue to be rejected as stated in Paper No. 6 (November 14th 2002) .

Furthermore, the Patent Office saith not.

TA


CARL J. ARBES
PRIMARY EXAMINER

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Bernardino } ss.

On 2-7-01
Date

before me Lauri Crandall Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Louis Peter Huber
Name(s) of Signer(s)

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Lauri Crandall
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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